

PROCEDURE FOR OBTAINING A PRIVATE WATER SOURCE OPERATOR LICENSE

License Application Form: DHS 8594

California Health and Safety Code (H&SC) Section 111120 requires that a private water source operator in California obtain a license issued by the Department of Health Services' Food and Drug Branch (FDB) to operate a private water source. The following describes what you must do to obtain your license.

LICENSE APPLICATION

Submit a fully completed application form with the required fee. You may call the FDB Water Licensing Desk at (916) 650-6515 to receive **Form DHS 8594** by mail, or download the form from the FDB website (<http://www.dhs.ca.gov/fdb/>; "Application Instructions and Forms").

Please write your firm name (If your check does not bear the firm name), license number (If the application is for renewal of your license), and the phrase "PCA Code 85125" on your check or money order. The fee is non-refundable.

The license is valid for one calendar year and expires on December 31. The business address must be that of the source, not that of the corporate headquarters. The mailing address can be either that of the source, corporate headquarters or the firm's branch office (the license will be mailed to the mailing address). Any incomplete and/or illegible application will be RETURNED to the applicant.

FDB will perform an on-site inspection of the source before a license is issued to assure that the source meets the requirements specified in state and federal laws. Please contact one of the nearest FDB offices (see the last page of this Procedure) for a phone number to call for an appointment for inspection.

NOTE: Submit the information specified below (items 1 through 5) in duplicate to a Food and Drug Investigator at the time of inspection of the subject source.

INFORMATION REQUIRED AT THE TIME OF INSPECTION

1. Information From A Licensed (or Certified) Hydrogeologist, Geologist, Engineering Geologist or Hydrogeological Engineer:
 - a. Description of the exact source location (if possible, with GPS data); and a detail map (if not available, a drawing) showing the boundary and the location of the natural spring (if applicable), bore hole (if applicable), well (if applicable), buildings, storage tanks and piping. If sources are separated by more than 1/2 mile in distance, a separate license will be needed for each source.

- b. A review of the hydrogeology surrounding the site including a description of the vertical and horizontal extent of the source aquifer.
- c. Information on the recharge area or zone of influence of the subject source, as well as documentation that identifies and evaluates the actual and potential sources of contamination.
- d. Details of the source development: description and/or diagrams of the method of construction, collection or catchment of source water, storage facility, conveyance and loading systems, underground piping map, and treatment systems used. All equipment must have documented proof that they have been approved for potable water use.
- e. If ground water (e.g., spring water, artesian well water, well water), evidence (e.g., microscopic particulate analysis) that it is not under the direct influence of surface water as defined in 40 CFR 141.2.
- f. Substantiating information that the source designation (e.g., “spring,” “artesian well,” “well,” “mineral water”) meets the definition for these terms as indicated in H&SC Section 111175 and 21 CFR Section 165.110(a)(2)(vi).

2. Information From the Local Health Agency Or Other Approval Authority:

- a. Copy of well (bore hole) driller's report and/or well (bore hole) log; well (borehole) sealing diagram; certificate or permit for satisfactory well construction from the pertinent local agency (e.g., County).
- b. Sanitary appraisal report for the well or spring.
- c. A written document or statement that the source development is in compliance with the California Environment Quality Act: e.g., “no concern” or “negative declaration”

3. Samples for Analysis:

- a. All testing must be done after completion of the entire system (e.g., well drilling, piping, installation of storage tanks, loading system).
- b. All sources or water extraction systems on your premise must be analyzed separately. [Note: If you have multiple sources or multiple water extraction systems on your premise and they feed into a common distribution system (e.g., storage tank), you do not have to analyze them separately for renewal of the license. Only the sample from the common system needs to be tested, provided that the sources/extraction systems have already been approved and licensed.]

4. Analytical Tests Required (*Please contact Water Licensing Desk at 916-650-6515 to receive the "list of substances to be analyzed" by mail or download it from the FDB website <http://dhs.ca.gov/fdb/>: "Application instructions and Forms"*):
 - a. General chemical, physical, and radiological quality of water as required by the federal quality standards for bottled water and H&SC Sections 111080, 111150 and 111155 (Group I, II, III and IV of the list). The test results should be valid for one year from the date of analysis.
 - b. Bacteriological quality of water as required by the federal quality standards of bottled water (Group IV).

NOTE: All testing must be done by a California certified water laboratory [Please contact the California Environmental Laboratory Accreditation Program at (510) 540-2800 for the list of locations/phone numbers of certified laboratories] or by a laboratory certified by the United States Environmental Protection Agency (USEPA). Testing done by a laboratory approved by the primary enforcement authority in states which have been granted primacy by the USEPA is also acceptable pursuant to H&SC Section 111165.

5. If your source is a spring and the spring water is extracted from a bore hole(s) using external force, you must provide the following information:
 - a. Explanation of why a bore hole(s) is used;
 - b. Evidence, including actual data, that: 1) water flows naturally to the surface of the earth at the spring; 2) spring water collected from the bore hole is from the same underground stratum as the natural spring, as shown by a measurable hydraulic connection (using a hydrogeologically valid method such as the pump test, dye test) between the bore hole and the natural spring; 3) water from the bore hole has all the physical properties, before treatment, and is of the same composition and quality as the water that flows naturally to the surface of the earth (i.e., natural spring).

NOTE: Any new drilling or redeveloping of a licensed source will automatically trigger the re-valuation and re-inspection of the source. You must contact one of the closest FDB offices (see the list attached) for re-inspection of the source before using it. Further, if the newly drilled source is separated by more than 1/2 mile in distance from the existing/licensed source, a separate license will be needed.

6. After obtaining the license, you must do the following at minimum:

- a. **Weekly coliform analysis:** You must test water for total coliforms at least once every week. You should maintain the original analysis report, and send a photocopy of the report to your local FDB office (call one of the FDB office on the last page of this Procedure to get the address and phone number of the closest local FDB office). The testing laboratory may send a copy of the test report directly to the local FDB office on your behalf. The laboratory must clearly identify your firm name, address, and license number on the report. You can obtain the list of certified laboratories near your location by calling DHS' Environmental Laboratory Accreditation Program (ELAP) at (510) 540-2800 or by visiting the following ELAP website: <http://www.dhs.ca.gov/ps/ls/elap/html/LablistStart.htm>.

Take four samples, and send all four samples to the testing laboratory (the testing laboratory may sample directly, or ask you to take the samples following its instruction for sample collection). The laboratory will randomly select one of the four samples and test for coliforms.

The laboratory can use the presence/absence (P&A) test for the coliform analysis. Only negative (absence) test data are acceptable. If the tested sample is positive (presence), you must resample the water (i.e., four samples) within 24 hours and test using the multiple tube-fermentation method. If the test data show that the water contains more than 2.2 most probable numbers (MPN)/100 ml, you must immediately stop distributing the water; investigate the cause of the problem; take corrective actions; resample/test the water; and notify FDB Water Licensing Desk. You must not resume the distribution of water until the test shows that the water contains total coliforms of less than 2.2 MPN/100 ml.

- b. **Annual Chemical-Physical-Radiological Analysis:** You must test your source water for quality at least once every year. The list of substances to be analyzed is shown in a separate document (re: "List of Substances to be Analyzed"). You may call the FDB Water Licensing Desk at (916) 650-6515 to receive the list by mail, or download the list from the FDB website (<http://www.dhs.ca.gov/fdb/>; "Application Instructions and Forms"). Maintain the original analysis reports, and send a photocopy of the report to your local FDB office. The testing laboratory may send a copy of the test data directly to the local FDB office. The laboratory must clearly identify your firm name, address, and license number on the report. You can obtain the list of certified laboratories near your location by calling DHS' Environmental Laboratory Accreditation Program (ELAP) at (510) 540-2800 or by visiting the following ELAP website: <http://www.dhs.ca.gov/ps/ls/elap/html/LablistStart.htm>

Take four samples of your source water, and send all samples to the testing laboratory (the testing laboratory may take the samples directly, or ask you to take the samples following its sample collection instruction). The laboratory will make a

composite of the 4 samples and test for substances other than volatile organic chemicals (VOC's). As for VOC's, the laboratory will randomly select one of the four samples (each product) and test for VOC's.

- c. Record keeping: You must keep all records/test data for at least for 2 years pursuant to the Title 21, Code of Federal Regulations, Section 129.80 (h). Refer to this Section regarding the types of information to be kept.
- d. You must inform FDB when any changes are made in the design or construction of your water collection system, sanitary operation, equipment, transfer controls, etc. You must also notify FDB if your water is recalled.

FOOD AND DRUG BRANCH OFFICES

FDB Food Safety Inspection Unit-Northern Region

100 Paseo de San Antonio, Room 304, San Jose, CA 95113
Telephone: (408)277-1832; Fax: (408) 277-1141

FDB Food Safety Inspection Unit-Southern Region

1449 West Temple Street, Room 224, Los Angeles, CA 90026
Telephone: (213) 580-5720; Fax: (213) 580-5750

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